

Two or More Townships Expansion (Annexation) Procedure (IC 36-12-5-5 through IC 36-12-5-12)
Alternative Method to Procedure for One Township (IC 36-12-5)
Two Methods--Without Petition or With Petition (updated September 2005)

Without Petition

- Preliminary work by library in deciding type of service to be offered and probable cost.
- Proposal of expansion filed by public library with the county commissioners.
- County commissioners agree to the proposal and sign it.
- Signed proposal submitted for filing with county recorder, Indiana State Library, and public library.
- Expansion is effective on date of filing.
- If the resolution is filed by March 1, the public library will receive revenue collected by the County Treasurer during May of the following year to be distributed to the library June 30 that same following year.
- Instructions for the Financial Timeline necessary to establish a new budget is on the reverse side of this handout.

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With Petition

- Preliminary work by library in deciding type of service to be offered and probable cost.
- Proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion filed by public library with the county commissioners.
- County auditor must publish notice one time in one newspaper, that is printed in the county, of the proposal of expansion in the county within 10 days of the filing of the proposal of expansion. (IC 36-12-5)
- Petition signed by at least 20% of the registered voters of the townships to be expanded.
- Petition and remonstrance (if any) filed with the clerk of the circuit court within 60 days after the published notice.
- Petition and remonstrance (if any) are certified by the clerk of the circuit court within 15 days of filing.
- County commissioners compare the petition and remonstrance (if any) within 40 days after their certification.

When more voters have signed the petition than the remonstrance, the county commissioners shall agree to the expansion. The signed proposal should be returned to the library and filed with the county recorder and Indiana State Library within 10 days. Expansion is effective on date of filing.

When more remonstrators have signed than those in favor, the county commissioners must dismiss the petition. At least one year must elapse before trying again.

- If the signed proposal is filed by March 1, the public library will receive revenue collected by the County Treasurer during May of the following year to be distributed to the library June 30 that same following year.
- Instructions for the Financial Timeline necessary to establish a new budget is on the reverse side of this handout.

Timetable for Expanded (Annexation) Library District

- By March 1 of any calendar year, the library board must have obtained a signed resolution (preferably 3 original copies) from the legislative body of the county stating that library service is desired from their townships and they wish to combine their townships with the existing public library district to form one new public library district. This resolution must also be filed with the county recorder by March 1 and immediately send one of the originals with the county recorder's signature to Indiana State Library, Library Development Office. File the remaining signed resolution in the library board's minute book.

- If the resolution is filed by March 1, the public library will receive revenue collected by the County Treasurer during May of the following year to be distributed to the library June 30 of the same following year. (i.e., the new library district formed by March 1, 2006 will see new tax revenues on June 30, 2007, taken from taxes collected May 10, 2007).

- Within a few weeks following the March 1 deadline, the director of the public library district needs to notify Department of Local Government Finance of the expanded public library district.

- The library board and director need to begin to establish a new budget, using Budget Forms 1 and 2, to reflect the anticipated expenses and income for the expanded public library district. The library board or director will probably meet with the Department of Local Government Finance Field Representative several times during this process.

- Once the new budget is established, the library board is ready to proceed with the annual budgeting cycle with the deadline for the first advertisement of the budget no later than August 31, the second advertisement no later than September 7, the public hearing no later than September 10, the filing of an objection petition with the public library board of ten or more taxpayers no later than September 17, and the adoption of the new budget no later than September 20. All budget forms have to be filed with the County Auditor no later than September 22.

- The library board also must file an "annexation excessive levy appeal", IC 6-1.1-18.5-13a-(2), with the Department of Local Government Finance, Indianapolis office, on or before September 19, IC 6-1.1-18.5-12b. The appeal allows a library to collect additional revenues to support the increased operating costs due to the annexation.

- Also, the library must include ten (10) copies of the following information with the appeal application:

- (1) Ensuing year's maximum levy sheet
- (2) Ensuing year's budget proof of publication
- (3) Budget Form 1, Form 2 and Form 4B
- (4) Resolution from legislative body approving the expansion (annexation)
- (5) Resolution from the library board approving the filing of the excessive levy appeal

- Members of the library board and director must appear before the Local Government Tax Control Board for a recommendation on the requested appeal.

- The Commissioner of the Department of Local Government Finance will make the final determination regarding the appeal. The library will receive a written order in the mail of the Commissioner's decision.

- Expansions occurring after March 1 of the current year are not included on this appeal, but would be eligible for consideration during the next year's normal budget cycle.

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